

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SANDRA THOMAS,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC,

Defendant.

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**No.**

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, SANDRA THOMAS (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

#### **PARTIES**

6. Plaintiff is a natural person residing in Moody, McLennan County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Norfolk, Virginia.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

11. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, GE Money Bank Lowes Card, with an account number ending in 5355.
12. Plaintiff's alleged debt owed to GE Money Bank Lowes Card arises from transactions for personal, family, and household purposes.
13. On October 27, 2010, Plaintiff's counsel faxed a cease and desist and a notice of representation letter to Defendant (Plaintiff's counsel's letter to Defendant and fax confirmation are attached as Group Exhibit A).
14. Despite receiving Plaintiff's counsel's letter (Exhibit A), Defendant communicated with Plaintiff after October 27, 2010, in an attempt to collect a debt (Defendant's letter to

Plaintiff dated February 1, 2011, is attached as Exhibit B).

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.
- b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

WHEREFORE, Plaintiff, SANDRA THOMAS, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

16 Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C.*

*1692k,*

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15*

*U.S.C. 1692k*

18 Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SANDRA THOMAS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

Dated: April 12, 2011

By: /s/ Michael S. Agruss  
Michael S. Agruss (CA SBN: 259567)  
Krohn & Moss, Ltd.  
10474 Santa Monica Blvd., Suite 401  
Los Angeles, CA 90025  
Tel: 323-988-2400 x235  
Fax: 866-583-3695  
magruss@consumerlawcenter.com  
Attorneys for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

Plaintiff, SANDRA THOMAS, states the following:

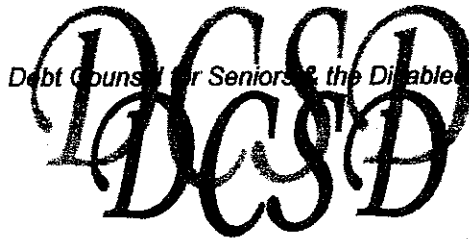
1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SANDRA THOMAS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4/10/11  
Date

Sandra Thomas  
SANDRA THOMAS

# **EXHIBIT A**



October 27, 2010

BY FAX ONLY: 757-321-2504  
Page 1 of 3

Collections Manager  
Portfolio Recovery Associates, LLC  
120 Corporate Blvd  
Norfolk, VA 23502

Re: **M.C. Thomas & Sandra Thomas**  
**Your reference # Ending in 5355 - Lowes: Ending in 5355**  
**Our file # 11244**

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby **disputes** the above-referenced alleged debt and requests **validation** of it in accordance with **15 U.S.C. § 1692g**. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to **15 U.S.C. § 1692g(b)**.

As the client's attorney, I respectfully inform you that you must **cease** contacting them pursuant to **15 U.S.C. § 1692c(a)(2) and 1692c(c)**. I have attached a signed **cease and desist** order from my client(s). If and when you violate these statutes, I will not hesitate to pursue with local co-counsel all legal remedies on behalf of my client(s).

Sincerely,

Jerome S. Lamet  
Supervising Attorney  
Debt Counsel for Seniors and the Disabled

Cc: M.C. Thomas & Sandra Thomas

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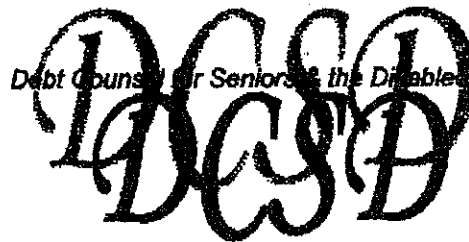
Jerome S. Lamet, Supervising Attorney  
The Pontiac Building  
542 South Dearborn  
Suite 1260  
Chicago, Illinois 60605  
V: (312) 939-2221  
F: (312) 939-27411

TRANSMISSION VERIFICATION REPORT

TIME : 10/27/2010 15:02  
NAME : JEROME LAMET LTD  
FAX : 13123563199  
TEL : 13129392221  
SER.# : BROD8J797996

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/27 15:01  
17573212504  
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ECM



October 27, 2010

BY FAX ONLY: 757-321-2504  
Page 1 of 3

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## **EXHIBIT B**



Portfolio Recovery Associates, LLC.  
We're giving debt collection a good name.

February 01, 2011

GE MONEY BANK F.S.B.  
LOWES

GE MONEY BANK F.S.B.

\*BALANCE: \$1,084.33

Account/Reference No: 4305982479965355

### TAX TIME SAVINGS!

Now is the time to resolve this debt. We want to help you. **ACT NOW** and **save up to \$325.33**. These savings won't last long, so call us today to take care of this debt!

Single Payment Settlement Option	6 Month Installment Savings Plan	Fixed-Budget Pay in Full Plan
<ul style="list-style-type: none"> <li>• Pay <b>\$759.00</b></li> <li>• Save <b>\$325.33</b></li> </ul> <p>* Your account will be considered "Settled in Full" after your final payment is posted. * If you satisfy the terms of this settlement offer, no further interest will be charged to you.</p>	<ul style="list-style-type: none"> <li>• Pay <b>\$136.00</b> for 6 consecutive months</li> <li>• Save <b>\$268.33</b></li> </ul> <p>* Your account will be considered "Settled in Full" after your final payment is posted. * If you satisfy the terms of this settlement offer, no further interest will be charged to you.</p>	<ul style="list-style-type: none"> <li>• Pay the balance in full, <b>OR</b></li> <li>• Pay as little as <b>\$35.00</b> a month</li> </ul> <p>* Your account will be considered "Paid in Full" once the account reaches a zero balance.</p>

**Your first payment must be received no later than 02/28/2011.**

We've helped many people resolve their debt, let us help you. **CALL NOW** and take advantage of the **INCREDIBLE SAVINGS** we are offering you. Our representatives are ready to help you resolve your account!

\*SEE REVERSE SIDE FOR EASY OPENING INSTRUCTIONS\*

Dept 6541  
PO Box 1259  
Oaks, PA 19456



FIRST-CLASS MAIL  
PRESORTED  
US POSTAGE  
PAID  
PSC

02

U0053519-47M2-1

SANDRA THOMAS  
PO BOX 1433  
MOODY TX 76557-1433

LEXTSP1 76557





**Portfolio Recovery Associates, LLC.**  
We're giving debt collection a good name

February 01, 2011

**GE MONEY BANK F.S.B.**  
**LOWES**

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Single Payment Settlement Option	6 Month Installment Savings Plan	Fixed-Budget Pay in Full Plan
<ul style="list-style-type: none"> <li>• Pay <b>\$769.00</b></li> <li>• Save <b>\$325.33</b></li> <li>* Your account will be considered "Settled in Full" after your final payment is posted.</li> <li>* If you satisfy the terms of this settlement offer, no further interest will be charged to you.</li> </ul>	<ul style="list-style-type: none"> <li>• Pay <b>\$136.00</b> for 6 consecutive months</li> <li>• Save <b>\$268.33</b></li> <li>* Your account will be considered "Settled in Full" after your final payment is posted.</li> <li>* If you satisfy the terms of this settlement offer, no further interest will be charged to you.</li> </ul>	<ul style="list-style-type: none"> <li>• Pay the balance in full, <b>OR</b></li> <li>• Pay as little as <b>\$35.00</b> a month</li> <li>* Your account will be considered "Paid in Full" once the account reaches a zero balance.</li> </ul>

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<p> We are ready to help you resolve this debt! Just call <b>1-800-772-1413</b> to discuss the <b>AFFORDABLE PAYMENT OPTIONS</b> that are available to you during our business hours. 730 AM to 11 PM Mon.-Fri. 8 AM to 5 PM Sat. 2 PM to 9 PM Sun.</p>	
<p>Mail all checks and payments to: <b>PORTFOLIO RECOVERY ASSOCIATES, LLC</b> P.O. Box 12914 Norfolk VA 23541</p>	<p><input checked="" type="checkbox"/> <b>Make your payment online!</b> <b>www.portfoliorecovery.com</b></p>

**\*We are not obligated to renew this offer. Interest continues to accrue on this account until the account is satisfied, unless interest has been suspended. The above balance includes interest as of the date of this letter. You may contact us to obtain an exact payoff amount for a future date.**

**Company Address:** Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

**Disputes Correspondence Address:** 140 Corporate Boulevard, Norfolk, VA 23502 or E-mail:  
PRA\_Disputes@portfoliorecovery.com

**Credit Card Payments** - Third party vendors may charge a transaction fee for processing payments made by credit card; however, PRA does not charge or accept any fees. Please discuss this option with our staff if you have any questions.

#### PRIVACY NOTICE

We collect certain personal information about you from the following sources: (a) information we receive from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**This letter is from a debt collector and is an attempt to collect a debt.  
Any information obtained will be used for that purpose.**

**Quality Service Specialists available Mon. - Fri. 8 AM to 5 PM (EST)**  
Not happy with the way you were treated? Our company strives to provide professional and courteous service to you. Please contact our staff to discuss issues related to our quality of service to you by phone at